



**Liquor and Tobacco Advisory Board Minutes
Tuesday, August 18, 2020
6:00 P.M. – City Council Chambers, 2nd floor, City Hall
Via video conference on Cisco Webex
425 East State Street
Rockford, IL 61104
779-348-7163**

Present:

ZBA Members:

Dan Roszkowski
Jennifer Smith
Kim Johnsen
Maurice Redd
Tom Fabiano
Jennifer Spencer

Absent:

Craig Sockwell

Staff:

Lafakeria Vaughn – Assistant City Attorney
Leisha Kury- Administrative Assistant
Scott Capovilla – Planning and Zoning Manager
Mike Rotolo- Fire Prevention Coordinator
Samantha Heim – Videographer

Others:

Kathy Berg- Court Stenographer
Applicants and Interested Parties

Dan Roszkowski, Chair of the LTAB, stated that this meeting was being held remotely because he found that an in-person meeting is not practical or prudent because of the disaster declared by Governor Pritzker on July 24, 2020. Since this is a public hearing with an unknown number of attendees, which could be more than 50 people, an in-person meeting at City Hall is not feasible at this time.

Lafakeria Vaughn explained the format of the virtual meeting and the rules of procedure, as follows:

Due to the Covid-19 pandemic and social distancing restrictions, this public hearing for the Liquor and Tobacco Advisory Board was held by video conference, using Cisco Webex. The audio was streamed at City hall in Council Chambers and on the City's website. Last month, all items were laid over and no presentations were given.

As the host, she would be monitoring microphones and attendees during the meeting. Notices and agendas were posted and sent about this meeting which informed interested parties about the ways they could submit comments and questions regarding agenda items. This included: Written public comments being submitted by 5:00 pm, on August 18, 2020 to Attorney Vaughn's email, or the City's payment drop box located at City hall or coming to City hall to listen to the meeting and present any comments in Council Chambers.

The agenda and staff recommendation packets were also posted on the City's website. All applicants on the conference had previously consented to proceeding with the virtual hearing. Some additional rules for the meeting:

- Please speak clearly and not too fast so the court stenographer can make an accurate record.
- Please be sure to identify yourself before speaking.
- Applicants and interested parties, after being sworn in by the Chair, please state and spell your name for the record.
- If you're not speaking and I fail to mute you, please mute yourself so that the meeting is not disrupted
- No person will be allowed to speak unless they are first recognized by the Chair
- All votes will be by roll-call
- Since we're on video /audio, please refer to exhibits or page numbers, if applicable. All exhibits should have been provided prior to the meeting and within the recommendation packet. Due to this being a virtual hearing, applicants if you have any new exhibits that you want considered by the Board for your request, you may request a layover. Those exhibits will also need to be provided to Staff and the public as part of the complete packet.
- If you are having any technical issues, please use the chat box function and send a message directly to me "Lafakeria" or use the raise your hand function.
- Applicants, should you have technical issues or decide to lay your item over instead for whatever reason, please let the Board know when your item is called.
- LTAB applicants were given the option to be put "in the lobby" on the conference. This means that they would not be able hear or see anything during the ZBA meeting.

Lastly, the procedure would be as follows:

- The Chair will call the address of the application.
- The Applicant or representative will be unmuted and be sworn in.
- The Applicant or representative will present their request to the Board.
- The Board will ask any questions they may have regarding this application.
- The Chair will then ask if there are any Objectors or Interested Parties comments to be read into the record or anyone at City Hall. Legal will read any written comments into the record that were received in advance. Then individuals at City Hall will be given the opportunity to speak. They will be sworn in.
- The Objector or Interested Party will state their name and present all their concerns, objections and questions regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions raised.
- Interested party at City hall will have another opportunity to provide any additional follow up based on the Applicant's responses.
- The Board will then deliberate and a roll call vote will be taken.

The LTAB meeting is not a final vote on any item. However, it is the only time in which the public may participate. After the LTAB meeting, the item moves on to the Code & Regulation Committee. Although the public is invited to attend the meeting, public input is not allowed at the committee meeting. The date of the Codes & Regulations meeting will be Monday, August 24, 2020 at 5:30 PM in City Council

Chambers (2nd floor of City Hall) as the second vote on these items. The third and final meeting in this process is the City Council. That vote is tentatively scheduled on Tuesday, September 8, 2020. If the item is laid over at the LTAB meeting, the next meeting is Tuesday, September 15, 2020. If for any reason the item is laid over at the committee level or on the city council floor, the item is automatically laid over for two (2) weeks.

The meeting was called to order at 6:03 PM. A **MOTION** was made by Kim Johnsen to **APPROVE** the July 21, 2020 meeting minutes. The motion was **SECONDED** by Maurice Redd and **CARRIED** by a vote of 6-0.

20-LTAB-070

Applicant
Ward 3

1706 Rural Street

Samer Alsagaf / Corner Mini Mart, LLC dba Corner Mini Mart
The sale of tobacco products in conjunction with a grocery and convenience store in a C-2, Limited Commercial Zoning District
Laid over from June and July

The applicant Samer Alsagaf was present along with his attorney, Rick Haime. Attorney Haime stated he is requesting a layover for 1706 Rural Street.

A **MOTION** was made by Jennifer Smith to **LAYOVER** the sale of tobacco products in conjunction with a grocery and convenience store in a C-2, Limited Commercial Zoning District. The motion was **SECONDED** by Jennifer Spencer and **CARRIED** by a vote of 6-0.

20-LTAB-071

Applicant
Ward 8

4419 Charles Street

Dimitrios Kalaitzakis / Zipcode, Inc. dba Pink Pony Pizza and Pub
The sale of liquor by the drink in conjunction with a restaurant, tavern and video gaming in a C-2, Limited Commercial Zoning District
Laid over from June and July

Prior to the meeting, a request was received from the Applicant's attorney requesting that this item be laid over to the September 15, 2020 meeting.

A **MOTION** was made by Kim Johnsen to **LAYOVER** the sale of liquor by the drink in conjunction with a restaurant, tavern and video gaming in a C-2, Limited Commercial Zoning District. The motion was **SECONDED** by Jennifer Spencer and **CARRIED** by a vote of 6-0.

20-LTAB-074

Applicant
Ward 11

1312 7th Street

Safa A. Quraishi dba M & R Mini Market
The sale of tobacco products in conjunction with a convenience store in a C-2, Limited Commercial Zoning District
Laid over from July

Attorney Tim Whitham was present on behalf of the applicant, Safa Quraishi. Attorney Whitham stated he is requesting a layover on behalf of his client so that City staff would have an opportunity to inspect the property.

A **MOTION** was made by Tom Fabiano to **LAYOVER** the sale of tobacco products in conjunction with a convenience store in a C-2, Limited Commercial Zoning District. The motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 6-0.

20-LTAB-079

Applicant
Ward 13

211 Elm Street

John Slater / Red Lamp, Inc. dba Blue Line Sports Bar

The sale of liquor by the drink in conjunction with a restaurant, bar and grill, video gaming and outdoor seating area in C-4, Urban Mixed-Use Zoning District

Attorney, George Hampilos, was present along with the applicant, John Slater. Attorney Hampilos stated he represents John Slater and Blue Line Sports Bar. The subject property is located on the northeast corner of South Main Street and Elm Street. The property is part of a parking garage with several suites on the first floor consisting of various commercial uses. Mr. Slater is requesting the sale of liquor by the drink at this location which is currently in business as a bar and restaurant. The business is being sold to John Slater as a stock sale and they are primarily asking to keep the same use as the previous occupant. Attorney Hampilos further explained there has been no issues with this property and its operations since the use was established. They are in agreement with most of the staff conditions, but wanted to address conditions three (3) and five (5). Attorney Hampilos is requesting to have the location open on Sundays as well and have the business stay open until 2:00 am on Friday-Sunday. Attorney Hampilos stated the businesses that surround Blue Line Sports Bar are closed in the evenings and they don't have any residential neighbors in direct proximity that they would cause any disturbance if the hours of operation were extended. Attorney Hampilos stated condition five (5) is agreeable but they would like to have small bands with up to three members to perform once in a while at the bar. They would have no cover charge or concert tickets. Mr. Slater stated he would like to see the changes they are requesting.

Attorney Lafakeria Vaughn asked other than the (2) conditions requested, do they agree with the other nine (9) conditions. Attorney Hampilos stated they agree. Attorney Vaughn asked if they are only requesting Friday-Sunday to be open until 2:00 a.m. Attorney Hampilos responded he would like it for Monday through Sunday.

Kim Johnsen asked if Sunday was allowable for them to close at 2:00 am. Attorney Vaughn stated it is permitted.

Staff Recommendation is for Approval with eleven (11) conditions. No Objectors or Interested parties were present. No emails were read into the record.

A **MOTION** was made by Jennifer Smith to **APPROVE** the sale of liquor by the drink in conjunction with a restaurant, bar and grill, video gaming and outdoor seating area in C-4, Urban Mixed-Use Zoning District. The motion was **SECONDED** by Kimberly Johnsen and **CARRIED** by a vote of 6-0.

Approval is based on the following conditions:

1. Must meet all applicable Building and Fire codes.
2. Compliance with all City of Rockford Liquor Codes.
3. Hours are limited to seven (7) days a week 11:00 a.m. to 2:00 a.m., Monday through Sunday.
4. Window display signage shall be limited to 20% of the window surface area.
5. There shall not be a cover charge, dance floor, DJ's and no live entertainment exceeding three (3) performers.
6. The restaurant use shall not operate as a nightclub.
7. The sale of liquor by the drink in the outdoor seating area shall be limited to the area as shown on Exhibit F.
8. That the windows shall not be covered with bars or other devices that block the windows.
9. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
10. All outstanding general ordinance fines must be paid prior to the issuance of the license.
11. All conditions must be met prior to establishment of use.

20-LTAB-080

Applicant
Ward 11

1006 Charles Street

Walid Jarwsh / Midtown One Stop Convenience

The sale of tobacco products in conjunction with a convenience store in a C-4, Urban Mixed Use Zoning District

Prior to the meeting, a request was received from the Applicant's attorney requesting that this item be laid over to the September 15, 2020 meeting.

A **MOTION** was made by Kim Johnsen to **LAY OVER** the sale of tobacco products in conjunction with a convenience store in a C-4, Urban Mixed Use Zoning District. The motion was **SECONDED** by Jennifer Spencer and **CARRIED** by a vote of 6-0.

20-LTAB-081

Applicant
Ward 7

3831 Auburn Street

Charles Youngstrom / Aldi, Inc. dba Aldi

The sale of packaged beer and wine in conjunction with a grocery store/retail store in a C-2, Limited Commercial Zoning District

Director of Store Operations, Brian Ritzheimer, was present, along with his district manager, David Hagan. Mr. Ritzheimer stated Aldi has six (6) stores in the Rockford area along with two other stores in Belvidere and Freeport. Aldi is asking the board to approve the liquor license at the Auburn Street location. The subject property is located 160 feet west of the Auburn Street and North Central Avenue intersection. The neighborhood is a mixture of residential and commercial uses. Mr. Ritzheimer stated this store is the only location that does not sell alcohol and they are only requesting wine and beer sales. The store will have a 20-foot section located next to the check lanes for the alcohol sales. Mr. Ritzheimer further explained their customers have complained numerous times of the Auburn Street location not offering alcohol. The store has been in operation for over 28 years. The location has onsite security from open to close, which includes in-person guards as well as security cameras. David Hagan is a local Rockford resident and explained Aldi is trying to satisfy their customers by allowing them to sell alcohol. Mr. Hagan stated they have external cameras which most businesses around that area do not have.

Maurice Redd asked why liquor wasn't served or requested in the past. Mr. Ritzheimer stated the records show they did request it back in 2011, but is unaware why the Board decided to deny the request.

Jennifer Smith asked why the business plan in the staff report mentioned building a new location and replacing the current store. Mr. Ritzheimer responded that they are not replacing anything, but just remodeling the store like they have done at the other locations in Rockford, including Harrison, Machesney and State Street stores. They plan to expand the dry good product line, refrigerated product line and also adding alcohol.

Scott Capovilla stated there has been 73 calls for service within a two (2) year period. Also, Rockford City Council denied the request in 2011, even though City staff recommended approval. Mr. Ritzheimer responded that of the 73 service calls that were made since 2018 there were items such as: traffic calls, 911 hang-up calls, ambulance, and mini-bike complaints. Mr. Ritzheimer also stated that a lot has happened in the past nine (9) years and they want to keep business there and develop the area to be more than what it is today. Mr. Ritzheimer respects the decision from 2011 but it is a different time from 2011 as well.

Staff Recommendation is for Denial. No Objectors or Interested parties were present. Two emails were read into the record.

Attorney Vaughn stated she had an objector via email. The full email will be attached to the Code and Regulation committee agenda packet. In part, the objector from Auburn Center LLC, William J. Pritz,

stated the following: "On behalf of Auburn Center LLC, the owner of properties 3812-3824 Auburn Street, comprising 6 separate business addresses due south of Aldi's, I am opposed to granting them a Liquor License. I feel that this section of town is already way beyond capacity for Liquor licenses. There are multiple licenses just a few blocks away, both east and west of Aldi's. There are the Mobil and Citgo stations and Wheel Inn just west, and Central Park Tap (a dual licensee) and It Liquors just east. If you reach out another mile or so, you have MaxMart."

Attorney Vaughn stated she had an additional email from the same objector, William Pritz. The full email will be attached to the Code and Regulation committee agenda packet. In part, the objector, William J. Pritz, owner of Central Park Tap stated the following: "As the owner of Central Park Tap, another Liquor Licensee on the block just east of Aldi's, I am opposed to granting them a Liquor License. This would be the 6th license within a half mile of this location. It's too many. It's unhealthy for the community. It's unhealthy for the businesses in the area. It's unhealthy for the City. We have all seen images of a neighborhood in decline. Every image includes an overabundance of establishments to procure alcohol."

Mr. Ritzheimer responded that he respects the business owner's concerns about Aldi but feels it is two different businesses with different purposes for customers.

Kim Johnsen stated that she does not have a problem with approving the liquor license request for Aldi because she believes Aldi is a respectable establishment and their wine and beer sales are not the dominant sales for the company. Also, based on the density map, there is not a cluster of liquor uses in the area.

Ms. Smith stated that she would be in favor as well because a grocery store is a good place to have alcohol sales, as a one-stop shop. Ms. Smith further stated that she has a problem with all the other Aldi's and other grocery chains that have liquor licenses in all other parts of town, but not on the west side.

Mr. Redd echoed the prior comments by the Board. Mr. Redd further stated that he understands the concerns with many liquor uses within the area, but Aldi is primarily a grocery store.

A **MOTION** was made by Kim Johnsen to **APPROVE** the sale of packaged beer and wine in conjunction with a grocery store/retail store in a C-2, Limited Commercial Zoning District. The motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 6-0.

Approval is based on the following conditions:

1. Must meet all applicable Building and Fire Codes.
2. Compliance with all City of Rockford Liquor Codes.
3. The sale of packaged beer and wine shall be limited to the shelf and floor space as indicated in the submitted revised interior floor plan.
4. The windows shall not be covered with bars or other devices that block the windows.
5. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
6. Window display signage shall be limited to 20% of the window surface area.
7. The hours of operation shall be limited to Monday through Friday 8:00 a.m. to 8:00 p.m. and Saturday and Sunday 9:00 a.m. to 7:00 p.m.
8. There shall be no single serving sales of beer in volumes of 12 ounces or less and wine in volumes of 750ml (24 oz.) or less.
9. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
10. All outstanding general ordinance fines must be paid prior to issuance of the license.
11. All conditions must be met prior to establishment of use.

20-LTAB-076

Applicant
Ward 6

1625 Sandy Hollow Road

Kelly Quinby / Spinning Slots Inc. dba Spinning Slots

Modification of the existing liquor license consisting of a restaurant and video gaming facility to change the liquor license classification from WB50 to WB for the sale of wine and beer by the drink in a C-3, General Commercial Zoning District

Prior to the meeting, a request was received from the Applicant's attorney requesting that this item be laid over to the September 15, 2020 meeting.

A **MOTION** was made by Kim Johnsen to **LAY OVER** modification of the existing liquor license consisting of a restaurant and video gaming facility to change the liquor license classification from WB50 to WB for the sale of wine and beer by the drink in a C-3, General Commercial Zoning District. The motion was **SECONDED** by Jennifer Spencer and **CARRIED** by a vote of 6-0.

With no further business to come before the Board, the meeting was adjourned at 6:48 PM.

Respectfully submitted,
Leisha Kury, Administrative Assistant
Zoning Board of Appeals